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IN THE

Supreme Court of the United States

October Term, ~~1948~~ '47

No. ~~662~~ 44

HEMAN MARION SWEATT,

Petitioner,

vs.

THEOPHILIS SHICKEL PAINTER, *ET AL.*

APPENDIX TO PETITION AND BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF TEXAS

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APPENDIX

The following data constitute a portion of a comprehensive and definitive study which demonstrates the type, quality, and quantity of the educational facilities available under the "separate but equal" formula.

The source material for this study is based upon publications of the United States Department of Education, publications of other government agencies and bodies, as well as articles which have appeared in accredited journals of education.

This portion of the study, which emphasizes the educational inequalities on the higher and professional levels, is filed to give this Court a true picture of "separate but equal" education.

In the seventeen southern states and the District of Columbia, separate schools are mandatory under law. Of the remaining thirty-one states, in all but a few segregated schools are not legal or are actually illegal.[1]

Approximately ten million or 77% of all Negroes in the United States live in the southern region, admittedly the most economically backward section of the country. This backwardness is overwhelmingly due to the maintenance of segregation and a caste system which relegates all Negroes to a position lower than the lowest white. The adamant stand which the South has taken against the training and utilization of 22.3% of its human resources, by depriving

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[1] Reddick, L.D. "The Education of Negroes in States Where Separate Schools Are Not Legal," *The Journal of Negro Education*, Summer 1947, Vol. XVI, No. 3, p. 296. The seventeen states requiring segregation are: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

its Negro citizens of a fair and equal share of one of the basic democratic rights—the right to a good education—means that this right is denied to the very people it seeks to protect. As President Truman's Commission on Higher Education has phrased it:[2]

> Segregation lessens the quality of education for the whites as well. To maintain two school systems side by side—duplicating even inadequately the buildings, equipment, and teaching personnel—means that neither can be of the quality that would be possible if all the available resources were devoted to one system, especially not when the States least able financially to support an adequate educational program for their youth are the very ones that are trying to carry a double load.

Thus every southerner suffers from lowered educational standards, Negroes most severely. Every southerner suffers because the maintenance of this dual system demands that a large percentage of state tax-monies be diverted away from other fields where it is vitally needed and where it rightfully belongs. And subsequently the whole nation suffers because it is bereft of potential talent left undeveloped.[3]

Although educational inequities result from segregated education on every level, it is in the field of higher education that the results are most easily viewed.

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[2] *Higher Education for American Democracy,* Report of the President's Commission on Higher Education, Government Printing Office, Washington, D. C., 1947, Vol. I, p. 34.

[3] "We believe that federal funds, supplied by taxpayers all over the nation, must not be used to support or perpetuate the pattern of segregation in education, public housing, public health services, or other public services and facilities generally . . . it believes that segregation is wrong morally and practically and must not receive financial support by the whole people." *To Secure These Rights,* recommendation V of the President's Committee on Civil Rights, p. 166.

Higher Education

The amount and the degree of opportunity, and the extent to which facilities for higher education are available, are probably the best indices to the educational environment of an area. They reflect the value that the community places in the education and the maximum achievement of its people, as well as indicating the general economic and social conditions of the community itself.

In the 17 states and the District of Columbia, there are 530 institutions of higher learning for whites, 192 public colleges and universities supported by state and federal funds included. Institutions for Negroes number 104 including 39 supported by public funds.[4] Whereas Negroes are 22.3% of the southern population, they have but 16.4% of the total number of institutions providing higher education in the southern region. More indicative, they have but 16.9% of those supported at public expense, although their need is proportionately greater. Their proper* share (22.3%) would entail providing 48 more colleges and universities, 16 to be supported as public institutions.

What does this mean in terms of manpower? 1947 saw an unprecedented enrollment in colleges and universities throughout the country with a total of 2,338,226 students attending classes. 683,235 of these students were enrolled in southern institutions, making a ratio of students to population of 1:66.5 for the region.[5]

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[4] *Educational Directory*, Part 3, "Colleges and Universities," U. S. Office of Education, Washington, 1947.

* By "proper share" we are in no way suggesting a quota, but are using the population as a means of measuring the adequacy and inadequacy of facilities and provisions made for the education of Negro citizens.

[5] *1947 Fall Enrollment in Higher Educational Institutions*, U. S. Office of Education, November 10, 1947 (Circular No. 238).

Enrolled in institutions supported at public expense were 57.9% of the white students in the South and 54.3% of the Negro students, while Negroes were only 10.3% of the total benefiting from these public facilities. Furthermore, only 5.5% of all expenditures for public institutions in the South were for Negro colleges and universities.[6] The percent of Negro students in public institutions should have been more than doubled and expenditures quadrupled were they receiving benefits equal to those extended to white students.[7]

Further examination of the data reveals that there are more institutions both public and private (except in Delaware) for the use of whites than for Negroes, and which are consequently more geographically spaced, thereby making the facilities more readily accessible.

A comparison of the South with the rest of the country shows further what the duplicated facilities of segregation mean. Whereas the South maintains more universities and colleges per 1,000 population than the rest of the nation, its ability to support them is far less. It may be noted that even with more institutions, a smaller percentage of the South's population as compared with the rest of the country had in 1940 completed four or more years of college. In 1947, there was one student in a southern college or university for every 66.5 persons in the South, while in the North and West there was one student for every 52 persons in the population.

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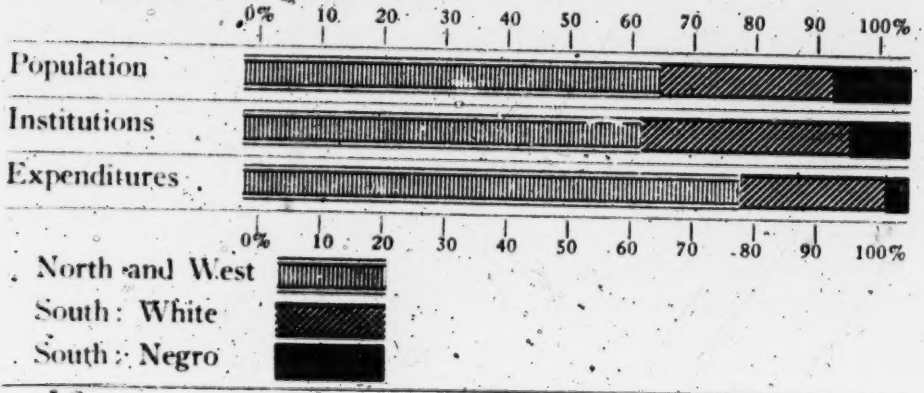
[6] Mordecai W. Johnson, Hearings Before Subcommittee on Appropriations, House of Representatives, 80th Congress, February 24, 1947, p. 145.

[7] It is interesting to note that the enrollment in New York University in the fall semester of 1947 was 46,312. This is a larger student body than the *total* enrollments in 15 of the individual southern states and the District of Columbia. Only Missouri and Texas had larger state-wide enrollments than that for this single Northern university. In this connection, it should also be borne in mind that the great majority of northern Negroes find it necessary, in the face of restrictive quotas, to go South for their college education.

We have already indicated the general state of education prevailing in the southern states. The following data constitute a specific and graphic demonstration of the inequities in segregated education.[7]

1. Southern Negroes are 7.7% of the total United States population, yet they have only 6.1% of all institutions of higher education in the country. Southern whites are 26.7% of the total population, yet they have 31.2% of all the colleges and universities in the country.
2. The South spends 22.3% of all money expended for higher education in the country, yet Negroes get only 1.8% of this money, while southern whites get 20.5%.
3. The average expenditure for southern universities and colleges (even including the Negro institutions) is *over twice* the amount spent for the average Negro institution. Whereas $4.28 is spent per capita white, only $1.32 is spent per capita Negro population.*
4. In only 3 states and the District of Columbia does the number of Negroes enrolled in publicly supported institutions constitute a reasonable percentage of all students benefiting from such educational provisions in anything like what their proportion in the population warrants.

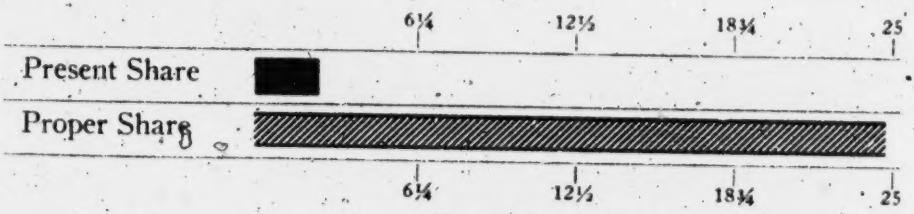


[7] Sources:

The Educational Directory, 1946-47, III, p. 7.
16th Census: 1940, Population, 2nd Series, U. S. Summary, p. 47.
The Journal of Negro Education, Summer 1947, p. 468.
Statistics of Higher Education, 1943-44, p. 70.

* For further data see Charts at the end of Appendix.

It might be asked just how the South manages to support this dual system of education? The answer is self-evident: by means of segregation which has resulted in the practice of extensive discrimination as the above charts indicate. For example, if expenditures in the public institutions for Negroes were equalized on a per capita population basis, an additional $19,000,000 would have to be spent for higher education alone. This would raise the present total expenditures 463%.



(in millions of dollars)

Expenditures for Educational Purposes in Public and Private Colleges and Universities in the 17 States and the District of Columbia: 1943-44.[9]

	White Institutions	*Negro Institutions*
Expenditures:		
Total	$150,622,000	$13,438,000
Private	65,033,000	8,149,000*
Public	85,591,000	5,289,000
% of all money expended:		
Total	91.8%	8.2%
Private	88.9%	11.1%
Public	94.2%	5.8%
Expenditure per student—		
Total	$479.46	$393.16
Expenditure per capita population:		
Total	$4.28	$1.32
Public	2.42	.52
College Enrollment:		
Total	90%	10%

* Negro private institutions carried about a 50% heavier lead in terms of expenditures than did private institutions for whites.

[9] Adapted from Jenkins, Martin D., "The Availability of Higher Education for Negroes in the Southern States," *The Journal of Negro Education*, Op. Cit., pp. 466.

At present, the situation is such that Negro private institutions must carry an undue burden in the attempt to furnish educational facilities and opportunities to those who would otherwise be deprived of advanced training. This process will continue until such time as the southern states realize that the "equal but separate doctrine" is economically, and more important, educationally unsound.

The following excerpt from the testimony offered by Dr. Mordecai W. Johnson, President of Howard University, speaks for itself:[10]

> In states which maintain the segregated system of education there are about $137,000,000 annually spent on higher education. Of this sum $126,541,795 (including $86,000,000 of public funds) is spent on institutions for white youth only; from these institutions Negroes are rigidly excluded. Only $10,500,000 touches Negroes in any way; in fact, as far as state supported schools are concerned, less than $5,000,000 directly touches Negroes. . . . The amount of money spent on higher education by the state and federal government for Negroes within these states is less than the budget of the University of Louisiana (in fact only sixty-five per cent of the budget), which is maintained for a little over 1,000,000 people in Louisiana. That is one index; but the most serious index is this: that this little money is spread over so wide an area and in such a way that in no one of these states is there anything approaching a first-class university opportunity available to Negroes.

In the face of such facts, the amount of money expended for education assumes extreme importance, becomes, indeed, so basic to the quality of said education in terms of faculty, physical plant, educational equipment and curricular scope, that it renders one as unwilling as he is unable to credit the

[10] Johnson, Dr. Mordecai W., Hearings Before Subcommittee on Appropriations, House of Representatives, 80th Congress, February 24, 1947.

claim made by the southern states that their separate schools are equal in all respects to those furnished for whites.

On the Graduate Level

A well-known educator recently wrote:[12] "The provision of higher and professional educational opportunities for Negroes is relatively little better today than fifteen years ago." This statement is even more graphic when viewed contextually: it is mainly within the last fifteen years that higher and professional education and training have assumed their broad importance. In the present day and age of specialization and demand for technical skills, there is no institution in the South where a Negro may pursue work leading to a doctorate. The opportunities for whites are vastly different: doctorates are offered in a public institution in each of the 17 states as well as in a private institution in 12 states and the District of Columbia.

> There are two accredited schools of medicine for Negroes in the South, *but* there are twenty-nine for whites.
>
> There are two accredited schools of pharmacy for Negroes in the South, *but* there are twenty for whites.
>
> There are two (one provisionally accredited) schools of law for Negroes in the South, *but* there are *forty* for whites.
>
> There is no accredited school of engineering for Negroes in the South, *but* there are thirty-six for whites.

The chart on the following page demonstrates these facts graphically.[13]

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[12] Thompson, Charles H., *The Journal of Negro Education*, Howard University Press, Fall Issue, 1945, Vol. XIV, p. 267.

[13] *Educational Directory, 1946-7.* The quote is from *Higher Education for American Democracy*, Vol. I, p. 36, Op. Cit.

Four Year Institutions Supported at Public Expense, Offering Training in Specified Fields with Departments Accredited by Their Respective Professional Association: 1946-7.[14]

WHITE:	*Law*	*Medicine*	*Dentistry*	*Engineering*	*Pharmacy*
Alabama	1			2	1
Arkansas	1	1		1	
Delaware				1	
D. C.					
Florida	1			1	1
Georgia	1	1		1	1
Kentucky	2	1	1	2	
Louisiana	1	1		1	
Maryland	1	1	1	1	1
Mississippi	1	1		1	1
Missouri	1	1 (2 yr. course)		1	
N. Carolina	1	1 (2 yr. course)		1	1
Oklahoma	1	1		2	1
S. Carolina	1	1		3	2
Tennessee	1	1	1	1	1
Texas	1	1	1*	3	1
Virginia	2	2	1	3	1
West Virginia	1	1 (2 yr. course)		1	1
TOTAL:	18	15	5	26	13

[14] Source: Educational Directory, Part 3, Colleges and Universities, U. S. Office of Education, 1947.

* Provisionally accredited, or accredited with some reservation, or admitted on probation.

NEGRO:

	Law	*Medicine*	*Dentistry*	*Engineering*	*Pharmacy*[14a]
Alabama					
Arkansas					
Delaware					
D. C.	1	1	1		1
Florida					
Georgia					
Kentucky					
Louisiana					1
Maryland					
Mississippi					
Missouri	1*				
N. Carolina					
Oklahoma					
S. Carolina					
Tennessee					
Texas					
Virginia					
West Virginia					
TOTAL:	2	1	1	0	2

[14a] Source: Educational Directory, Part 3, Colleges and Universities, U. S. Office of Education, 1947.

ACCREDITING ASSOCIATIONS:

Law: The American Bar Association

Medicine: The American Medical Association

Dentistry: The Council on Dental Education of the American Dental Association

Engineering: The Engineers' Council for Professional Development

Pharmacy: The American Council on Pharmaceutical Education, Inc.

The paucity of institutions offering opportunities for Negroes to pursue graduate and professional work in the South, coupled with the quota * system of Northern colleges and universities, has resulted in a serious curtailment of the number of highly-skilled Negro physicians, lawyers, engineers, etc. In 1940 there was one skilled Negro and white out of the following number of the South's Negro and white population, respectively:[15]

Profession	*White*	*Negro*
Doctors:	843	4,891
Lawyers:	702	27,730
Dentists: (male)	2,589	13,425
Engineers: (male)	655	142,944
Pharmacists: (male)	1,711	25,246

* The President's Commission on Higher Education comments:

"*The Quota System.* At the college level a different form of discrimination is commonly practiced. Many colleges and universities, especially in their professional schools, maintain a selective quota system for admission, under which the chance to learn, and thereby to become more useful citizens, is denied to certain minorities, particularly to Negroes and Jews.

"This practice is a violation of a major American principle and is contributing to the growing tension in one of the crucial areas of our democracy.

"The quota, or *numerous clausus,* is certainly un-American. . . .

"The quota system denies the basic American belief that intelligence and ability are present in all ethnic groups, that men of all religious and racial origins should have equal opportunity to fit themselves for contributing to the common life.

"Moreover, since the quota system is never applied to all groups in the Nation's population, but only to certain ones, we are forced to conclude that the arguments advanced to justify it are nothing more than rationalizations to cover either convenience or the disposition to discriminate. The quota system cannot be justified on any grounds compatible with democratic principles." *Higher Education for American Democracy,* A Report of the President's Commission on Higher Education, Government Printing Office, Washington, D. C., December, 1947, p. 35.

[15] 16th Census: 1940, *Population, Labor Force.*

These are the results of segregated education. Broken down by individual states, the figures show up in even sharper relief (see Appendix Chart V for this data).

The implications of the figures presented above are extremely serious. The fallacy that Negroes are not desirous or capable of absorbing and utilizing specialized training has often been voiced by people from all parts of our nation. The findings of such sciences as authropology, sociology, and psychology, however, refute these arguments. The fact is that the opportunities for Negroes are too limited and too few, in these and other fields as well. As a southern educator has recently phrased it: "They don't teach us what they blame us for not knowing."[16] That Negroes want the benefits of more and better education is evidenced by recent court cases, by the great increase in enrollments in Negro institutions, and by reports from the schools themselves. Howard University for the present school year stated that the total enrollment was over 7,000. The medical school which can accommodate 70 freshmen had to turn down 1,180 ably qualified applicants. The pharmacy and dentistry schools which can each accommodate 50 had over 700 and 500 applicants, respectively.[17] And Howard, it must be remembered, is the only public institution in the South where Negroes can get professional training in these fields. These conditions would seem to apply to other schools as well.*

However, the case for the extension of equal education for the Negro rests only in part upon his equal educability. The basic social fact is that in a democ-

[16] Quoted in Fred H. Hechinger's column, *The Washington Post*, March 7, 1948.

[17] *The Crisis*, November, 1947, p. 324.

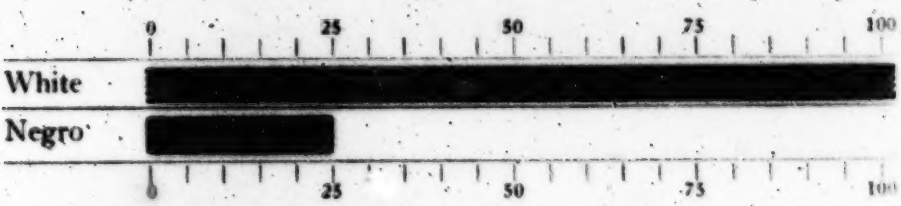
* 85% of all Negro doctors and 90% of all Negro dentists are trained at Howard and Meharry, report Henry and Katherine Pringle, "The Color Line in Medicine," *The Saturday Evening Post*, January 24, 1948.

racy his status as a citizen should assure him equal access to educational opportunity.[18]

EDUCATIONAL OPPORTUNITY

Dr. Charles H. Thompson, Dean of the Howard Graduate School, reviewing the limited number of trained Negro professionals, remarks:[19]

> Whatever other inferences may be drawn from the facts . . . one of the most important and inevitable conclusions is that Negroes in the separate school systems of the 17 states and the District of Columbia which require racial segregation have been the victims of gross discrimination in the provision of educational opportunities. On the whole Negroes have had only about one-fourth the educational opportunity afforded to whites in the same school systems, as indicated by the product turned out.



The following quote demonstrates some of the results of the conditions described above:

> In the 17 states and the District of Columbia the median years of schooling for the white population was 8.4; for Negroes the median was 5.1; with a range for the whites running from 7.9 in Kentucky to 12.1 in the District of Columbia; and for Negroes from 3.9 in Louisiana to 7.6 in the District of Columbia. Some 13.2% of the white population had completed 4 years of high school as compared with only 2.9% of the Negroes; 12.1% of the whites had had some

[18] *Higher Education for American Democracy*, Op. Cit., Vol. II, p. 30.

[19] Thompson, Charles H., *The Journal of Negro Education*, Howard University Press, Vol. XVI, Summer, 1947, p. 265.

college education, as compared with only 2.5% of the Negroes; and 4.7% of the white population had had 4 or more years of college as contrasted with only 1.1% of the Negroes. There were, therefore, 4 times as many whites as Negroes with a high school or college education in these states which require racial segregation by law.[20]

Although it is on the higher and professional levels of education that the inequities resulting from a segregated system can best be demonstrated, there are some differentials in the indices of education which show up most graphically in the lower or primary levels. The following pages will demonstrate some of these differentials.

Inequities in Lower or Primary Education

THE TAX-PAYER'S DOLLAR

The tax-payer's dollar for public education in the South is divided between the schools for white children and the schools for Negro children. The average expense per white pupil in ten southern states in 1944-5 was 189% greater than the average expense per Negro pupil. Specifically, the tax-payer paid $88.70 to educate his white citizens and only $46.95 to educate his Negro citizens.

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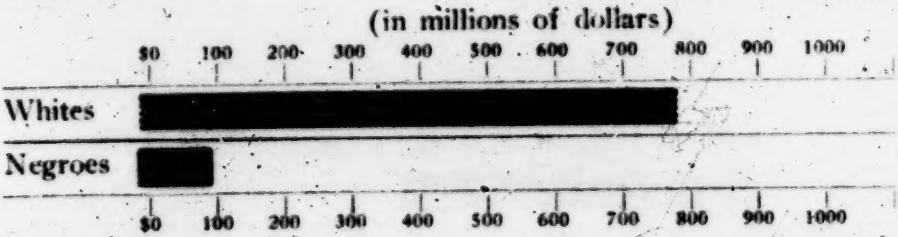
[20] Thompson, *Op. Cit.*, p. 264.

AVERAGE EXPENDITURE PER PUPIL IN AVERAGE DAILY ATTENDANCE: 1944-5[21]

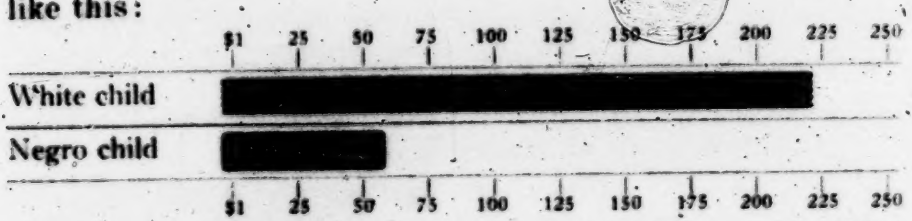
State	*White*	*Negro*	*% White is Greater*
Alabama	$68.07	$27.62	246%
Arkansas	$59.63	$27.22	219%
D. C. (1947)	$160.21	$126.52	127%
Florida	$108.02	$54.88	197%
Georgia	$88.13	$27.88	316%
Louisiana	$113.30	$34.06	333%
Maryland	$78.00	$69.00	113%
Mississippi *	$45.79	$10.10	453%
North Carolina	$74.86	$59.26	126%
South Carolina	$90.00	$33.00	273%
AVERAGE:	$88.70	$46.95	189%

* Per pupil enrolled.

The value of school property in 8 southern states * in 1944-5 amounted in all to $867,960,280.[22] Distributed, it looks like this:



On a per capita basis of enrolled students, the picture looks like this:



In other words, 427.6% more was invested for each white pupil than for each Negro pupil.

[21] *The Journal of Negro Education*, Howard University Press, Vol. XVI, Summer, 1947, passim.

* The eight states: Ala., Fla., Ga., Md., Miss., N. C., S. C., Tex.

[22] Washington, Alethea H., *The Journal of Negro Education*, Howard University Press, Summer Issue, Vol. XVI, 1947, p. 446.

AVERAGE VALUE OF SCHOOL PROPERTY PER PUPIL ENROLLED: 1944-5[23]

State	*White*	*Negro*	*% White is Greater*
Alabama	$143.00	$29.00	493%
Arkansas **	$142.87	$42.59	335%
Florida	$284.11	$59.76	475%
Georgia	$160.00	$35.00	457%
Louisiana **	$281.97	$50.29	561%
Maryland **	$364.06	$163.69	222%
North Carolina	$203.80	$73.08	279%
South Carolina	$204.00	$40.00	510%
Texas	$230.25	$76.79	300%
Virginia **	$221.51	$85.54	259%

** Data for these states is for 1943-4.

TEACHERS' SALARIES

The amount of salary paid teachers is an important factor in securing and holding capable teachers. In 1944-5 average salaries for teachers in the South were $1,513.57 for whites and $1,187.28 for Negroes.* The differential in the average for whites and Negroes amounted to $326.29, or phrased differently, the average salary per white was 127.5% greater than that per Negro.

[23] *The Journal of Negro Education*, Summer, 1947, passim, and *Statistics of State School Systems*, 1943-44.

* The salary paid Negroes in 1944-5 is lower than the average salary paid to all teachers in the United States in 1933-34.

AVERAGE ANNUAL TEACHERS SALARIES: 1944-45 [24]

State	*White*	*Negro*	*% White is Greater*
Alabama	$1,185.50	$ 784.50	158%
Arkansas	1,020.00	624.00	163%
Delaware	1,953.00	1,814.00	108%
Florida	1,757.07	1,174.34	150%
Georgia	1,130.00	540.00	209%
Kentucky	1,085.00 (medians)	1,225.00	
Louisiana	1,683.33	810.98	208%
Maryland **	2,085.00	2,002.00	104%
Mississippi	1,018.01	407.81	250%
Missouri	1,239.00	1,519.00	
North Carolina	1,294.50	1,305.59	
Oklahoma **	1,428.00	1,438.23	
South Carolina	1,314.00	785.50	167%
Tennessee	1,147.36	1,087.88	105%
Texas	1,627.00	1,136.00	143%
Virginia **	1,364.00	1,129.00	121%
West Virginia	.....	.....	.....
D. C.	3,400.00	3,400.00	.....
AVERAGE:	1,513.57	1,187.28	127.5%

** Data for these states is from *Statistics of State School Systems*, 1943-44.

n.b.

Ky.: Heavy concentration of Negro teachers in wealthier city districts accounts for higher salaries.

Mo.: Most Negro teachers are in the 2 largest cities where both groups are paid higher salaries than elsewhere in the state.

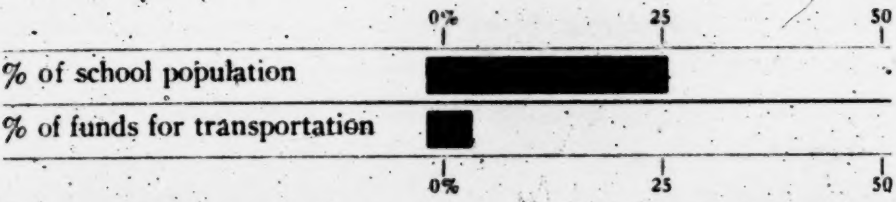
N. C.: Both groups are paid by the same salary schedule. Negroes are either better trained or have greater employment stability.

Tenn.: Negroes had .39 more college years of training.

D. C.: These salaries are estimates. Salary range is from $3,150-3,750.

Negro students, as reported for 1943-44, received only $1,349,834 (10 states reporting) out of a total of $43,448,777 spent by these states to take their children to and from school. Negro students, who in that same year comprised 25% of the school population in the South, received only 3.1% of all funds spent for transportation purposes.

[24] *The Journal of Negro Education*, Howard University Press, Vol. XVI, Summer, 1947, passim.



Whereas $6.11 is spent on an average per white child, only $.59 is similarly spent on each Negro child.[25] This means that even when the schools exist, Negro children encounter far greater difficulties in reaching them.

TRANSPORTATION EXPENDITURE: 1943-44 [26]

State	*White* (total)	*Negro* (total)	*White* (per capita enrolled student)	*Negro* (per capita enrolled student)
Alabama	$ 2,520,102	$ 179,927	$ 6.09	$ .79
Arkansas	1,508,979	107,083	5.01	1.07
Delaware	311,064	.....	9.05	...
D. C.	15,271	.....	.28	...
Florida	1,589,182	106,168	6.18	1.08
Georgia	2,777,531	71,523	6.52	.28
Kentucky	1,961,947	.....	4.02	...
Louisiana	3,389,131	.....	12.58	...
Maryland	1,370,715	231,846	6.10	3.91
Mississippi	3,170,384	60,000	11.52	.22
Missouri	4,270,391	.....	7.31	...
North Carolina	2,304,334	392,157	4.05	1.53
Oklahoma	2,464,424	192,449	5.77	5.28
South Carolina	1,410,421	8,681	5.66	.04
Tennessee	2,050,277	.....	4.07	...
Texas	5,888,904	397,663	5.64	1.99
Virginia	2,702,596	.....	6.89	...
West Virgina	1,995,627	.....	5.20	...
TOTAL:	$42,098,943	$1,349,834	$ 6.11	$ .59

The pattern of inequities resulting from segregation is uniform throughout the seventeen southern states and the

[25] *Statistics of State School Systems*, Government Printing Office, Wash., D. C., 1943-44.
[26] *Ibid.*

District of Columbia. In order to demonstrate briefly that these conditions pertain in Texas, a few data are included to show the inequities in the lower and higher levels of education.

EDUCATIONAL FACILITIES IN THE STATE OF TEXAS

Despite the fact that petitioner's State of Texas is a relatively wealthy state, the white median distribution of state-supported Negro classrooms is 200% greater than the Negro median.[27] If as much money was spent on the average Negro classroom unit as there was for whites, Texas would have to spend an additional $5,320,000 on its 7,600 Negro units.

The military rejection rates for failure to pass minimum "intelligence" standards in the war period of June-July 1943 showed great differentials between the rates for whites and Negroes. In Texas 10.4% of whites were rejected for this reason, while the comparative figure for Negroes was 20.5%.[28] In 1940 the functional illiteracy in the State of Texas was 16% for whites, but 36.4% for Negroes. Similarly, Texas spent $92.69 in 1947 to educate each white child, but only $63.12 to educate each Negro child.[29] Money invested in school property shows a similar pattern; Texas in 1944 invested $230.25 for each white child and $76.79 for each Negro child.[30]

The length of a school term is another index for good educational standards. In 1943-44 the average school term for Negroes in Texas was 7.7 days shorter for Negroes than it was for whites. (This is one-third of a school month.)[31]

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[27] Norton, John K., and Lawler, Eugene S., *An Inventory of Public School Expenditures in the United States*, Vol. I, pp. 91, 97.

[28] *The Black and White of Rejections for Military Service*, American Teachers Associations Studies, 1944, p. 6.

[29] *The Negro Yearbook*, 1947, Tuskegee Institute, p. 76.

[30] *Statistics of State School Systems*, Government Printing Office, Wash., D. C., 1943-44.

[31] *Ibid.*

A one-teacher, one-room type of school is ordinarily not the optimum condition under which to study. In Texas 68% of the schools for whites were of this type, but the figure for the Negro child was 81%. The amount of money spent for school transportation for each white child was $5.64, whereas only $1.99 was spent for each Negro child.

The present state of higher education in Texas follows the same patterns of discrimination established on the lower levels. Certain examples typify how state and federal funds allocated for the purpose of higher education are disproportionately channeled into the institutions for whites only.

1. In Texas, the highest salary paid a full professor at Prairie View University (Negro) is lower than the salary paid (one exception) in any of the 13 other public institutions for whites.[32]

2. Texas: "Public institutions for Negroes do not have as many students enrolled as the private institutions. Only 39.8 per cent of all Negro students enrolled in Texas colleges in 1929 were attending public institutions. This figure increased to 45.2 per cent in 1944. As far as enrollment is concerned, the burden of higher learning for Negroes is actually being carried for Texas by the Negro private college. . . . Five public and two private colleges offer courses in engineering for white students. There is no engineering course for Negro students in Texas. One public and one private college offer medicine to white students. There is no medical school for Negro students in Texas. With the exception of teacher-training, nursing, and Divinity, no professional training is available to Negroes within the state."[33]

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[32] See testimony of Dr. Charles H. Thompson in Record of this case, p. 262.

[33] *The Journal of Negro Education*, Summer, 1947, p. 431.

Petitioner has submitted this appendix in order to show a factual picture of the inequities which have and do result under a segregated system of education. This picture, as well as the general pattern of segregation, leads us to agree with this statement from the Report of the President's Commission on Higher Education:

> "We have proclaimed our faith in education as a means of equalizing the conditions of men. But there is grave danger that our present policy will make it an instrument for creating the very inequalities it was designed to prevent. If the ladder of educational opportunity rises high at the doors of some youth and scarcely rises at all at the doors of others, while at the same time formal education is made a prerequisite to occupational and social advance, then education may become the means, not of eliminating race and class distinctions, but of deepening and solidifying them.
>
> "It is obvious, then, that free and universal access to education, in terms of the interest, ability, and need of the student, must be a major goal in American education." [34]

[34] *Higher Education for American Democracy*, A Report of the President's Commission on Higher Education, Government Printing Office, Washington, D. C., December, 1947, Vol. I, p. 36.

Appendix Chart I

Public Institutions of Higher Education, Texas, 1945-46

	White	*Prairie View (Negro)*
% of population	85.7%	14.3%
Number of institutions *	15	2
% of institutions	88.2%	11.8%
Value of plant & equipment **	$72,790,097	$4,170,910
Value per capita population	$12.88	$4.71
Total expenditures	$32,007,219	$871,678
Expenditure per capita population	$5.85	$.94
State & Federal appropriation	$17,712,820	$297,318
Appropriation per capita population	$3.23	$.32
Total Current income	$33,912,086	$914,141
Library expense per year	$577,093	$19,720
Number of faculty ***	2,133 (av. 178)	118
Total salaries	$8,504,031	$253,133
Average salary	$3,987	$2,145
Number of students ***	43,040	1,576
% of all students in public institutions	96.5%	3.5%

* Unless otherwise indicated these figures are based on 13 institutions for whites and one for Negroes. Data for the others is not available (Thompson).

** The figure for whites is based on only 11 institutions.

*** The figures for whites are based on 12 institutions.
Data is from reports from the U. S. Office of Education, Form SRS-21.0-46, Parts I and II.

Appendix Chart II

Total Institutions of Higher Learning

	North & West	*South*		
		Total	*Negro*	*White*
% of total U. S. population	65.5%	34.5%	7.7%	26.7%
Total number of institutions	1066	634	104	530
% of all institutions	64.7%	37.3%	6.1%	31.2%
1 institution per every population	80,978.0	71,524.9	97,586.6	66,410.9
Total expenditures *	$573,074,370	$164,060,000	$13,438,000	$150,622,000
% of total expenditures	77.7%	22.3%	1.8%	20.5%
Expenditure per capita population	$6.66	$3.61	$1.32	$4.28
Average expenditure per institution	$537,593	$258,770	$129,212	$284,192
% of total population with 4 or more years of college **	2.9%	2.0%	0.1%	1.9%
% of respective population			0.5%	2.5%

Sources:

The Educational Directory, 1946-47, III, p. 7.
16th Census: 1940, Population, 2nd Series, U. S. Summary, p. 47.
The Journal of Negro Education, Summer 1947, p. 468.
Statistics of Higher Education, 1943-44, p. 70.

* Since the expenditures for 137 institutions (56 in the South, 81 in the North and West) were not reported, we made an average of those reporting per institution ($443,608.45), making an additional $59,404,358 thereby changing the total to $737,134,370 spent on higher education in the United States in 1943-44.

** Percent for the country as a whole is 2.6%.

Appendix Chart III

Length of School Term: 1943-44

State	*White*	*Negro*
Alabama	169.6	166.1
Arkansas	165.3	141.8
Delaware	181.5	181.7
D. C.	175.0	177.0
Florida	172.4	168.2
Georgia	175.3	165.0
Kentucky	159.2	171.6
Louisiana	180.0	156.7
Maryland	186.7	186.5
Mississippi	165.5	130.0
Missouri	182.4	193.9
North Carolina	179.9	179.9
Oklahoma	169.0	175.8
South Carolina	176.0	160.4
Tennessee	166.7	169.0
Texas	173.9	166.2
Virginia	180.0	180.0
West Virginia	172.1	173.7
AVERAGE:	173.5	164.0
U. S. AVERAGE:	175.5	

Statistics of State School Systems, 1943-44. Federal Security Agency, U. S. Office of Education.

Appendix Chart IV

Rejection Rates for Failure to Meet Minimum "Intelligence" Standards June-July, 1943: The South

State	Per Cent Rejected	
	White	Negro
Alabama	8.5	25.8
Arkansas	9.8	31.1
Delaware *		
D. C.	0.6	9.0
Florida	3.4	19.6
Georgia	8.2	27.4
Kentucky	6.1	5.4
Louisiana	6.0	30.6
Maryland	2.0	21.7
Mississippi	5.0	31.1
Missouri	2.1	10.4
North Carolina	10.7	16.3
Oklahoma	3.9	16.1
South Carolina	8.7	43.0
Tennessee	5.6	9.5
Texas	10.4	20.5
Virginia	8.4	18.8
West Virginia	4.7	4.8

The Black and White of Rejections for Military Service, American Teachers Association, 1944, p. 6.

* Less than 200 registrants during this period.

Appendix Chart V

Ratio of Professionals to Population by Race: The South, 1940

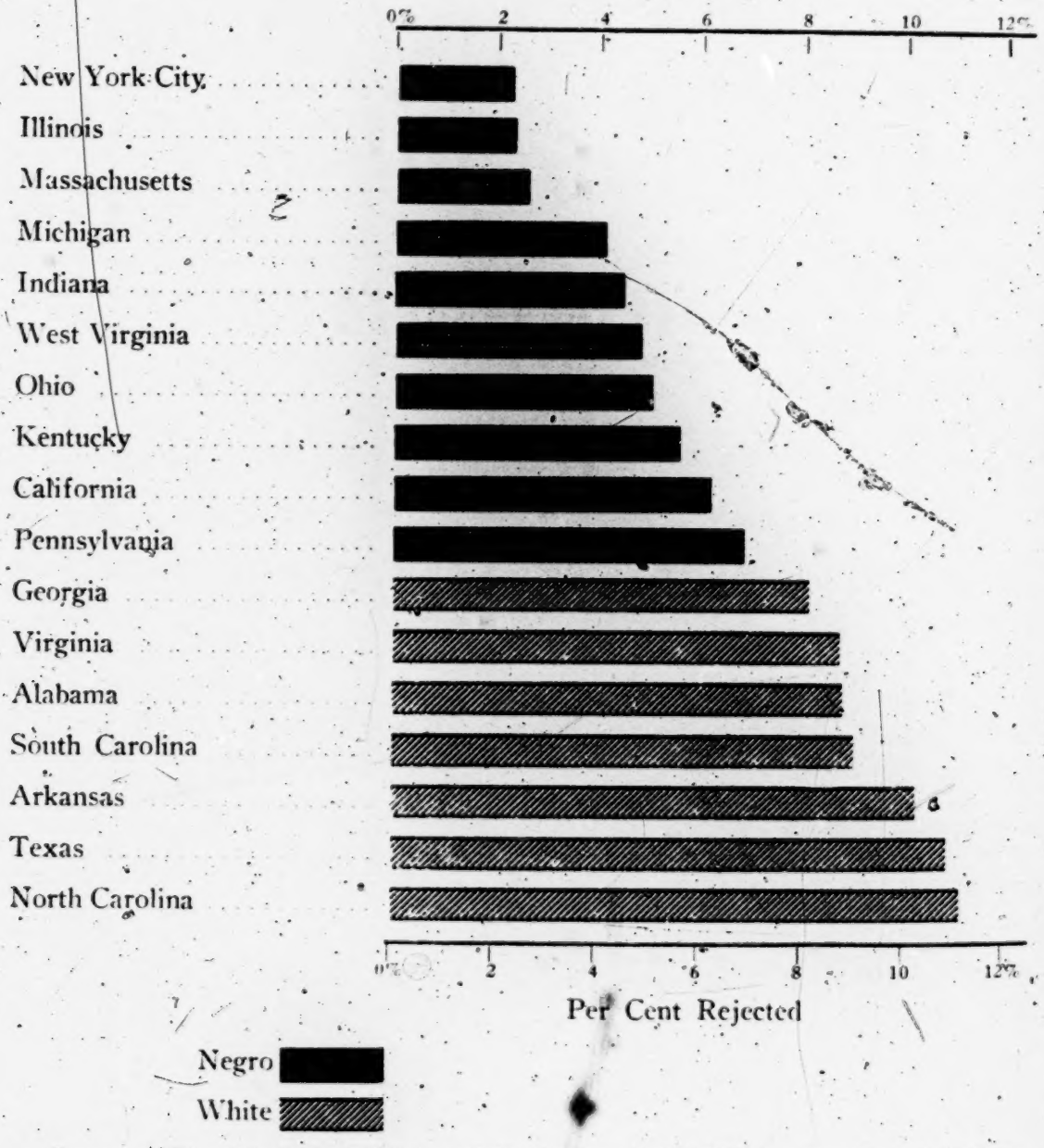
	Doctors		Dentists		Lawyers		Engineers		Pharmacists	
	W	N	W	N	W	N	W	N	W	N
Alabama	1,050	10,034	3,279	25,876	1,133	245,823	860	245,823	2,217	54,627
Arkansas	913	13,657	4,177	36,418	954	122,911	1,396	491,645	2,119	140,470
Delaware	714	4,485	2,305	7,175	941	17,938	218	. . . .	2,022	4,485
D. C.	308	955	1,113	2,881	100	2,497	151	15,606	651	4,355
Florida	704	5,843	2,050	13,185	507	51,420	637	. . . .	1,116	20,568
Georgia	850	6,955	2,651	21,699	760	135,616	802	216,985	1,625	49,315
Kentucky	1,070	2,326	3,458	7,380	997	10,192	1,181	71,344	2,626	14,269
Louisiana	686	9,132	2,043	23,314	796	141,551	555	141,551	1,492	24,266
Marvland	536	2,876	1,816	10,411	431	9,435	334	50,322	1,317	21,567
Mississippi	864	19,538	2,837	37,054	850	358,193	682	268,645	1,740	97,689
Missouri	733	1,228	1,588	5,200	661	6,789	616	34,912	1,466	9,399
N. Carolina	1,063	5,911	3,581	16,637	1,061	36,337	1,297	490,649	2,200	30,666
Oklahoma	976	2,156	2,931	8,850	643	6,726	658	28,025	1,669	8,007
S. Carolina	910	11,467	3,410	20,354	938	162,833	905	814,164	1,467	50,885
Tennessee	958	2,292	3,175	6,875	912	31,796	779	254,368	2,035	14,963
Texas	901	5,637	2,882	11,412	709	40,191	592	154,065	1,559	28,887
Virginia	818	3,985	2,604	10,499	636	13,780	551	165,362	1,705	20,044
W. Virginia	1,059	2,560	3,147	4,528	1,230	6,927	742	117,754	3,366	11,775
Total South										
Number	41,762	2,075	13,596	756	50,107	366	53,763	71	20,572	402
Ratio	843	4,891	2,589	13,425	702	27,730	655	142,944	1,711	25,246

Source: U. S. Census, Population, Labor Force, 1940.

Appendix Chart VI

Rejections of White Registrants in 7 Southern States and Negro Registrants in 10 Northern and Border States Due to Failure to Meet Minimum "Intelligence" Standards, 1943

(Selective Service Data)



Source: The Black and White of Rejections for Military Service, American Teachers Association, 1944.